8521608/2024/TAPPAL-REV01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Lands – Vizianagaram District – Re-Construction of the District Court Complex building in the tank bed land classified as "Yadula Cheruvu in an extent of Ac. 6.61 Cents in Sy.No.101 at VT Agraharam Village, Vizianagaram Mandal - Relaxation of ban orders – According permission for re-classification of the subject land as AWD– Orders-Issued.

==========

REVENUE (LANDS.II) DEPARTMENT

G.O.Ms.No.59 **Dated.09-02-2024**

Read the following:

1.Govt., Memo.No.65961/Asn.lt1),97-11, of Revenue (ASN 1) Dept., Dt.08.02.1999.
2. From the CCLA Ref No B2/1543/2012, dt 18.03.2013.
3. From the CCLA & Spl.CS, CCLA's Lr.No.Assn.I//2302897/2023, dated.20/12/2023 along with report of the District Collector, Vizianagaram Dist.,Lr.Rc.No.2599/2023/E1, dt.15.12.2023.
4.From the ADVOCATE GENERAL, High Court of AP., Letter No.603/2023, Dated:29.12.2023.
5. Govt.,Memo.No.REV01-LANA0COUC(CCHC)/1054/2023-LANDS.II, Dt.11.01.2024.
6. From the CCLA& Spl.CS,CCLA's Lr.No.Assn.I/2302897/2023, dated.03.02.2024 along with report of the District Collector, Vizianagaram Dist., Rc.No.2599/2023/E1, dt.30.01.2024 received through e-office file No.REV02-22021/505/2023-ASSMT-II-CCLA (Computer No.2302897).

***

ORDER:

In the reference 1st read above, instructions were issued that while examining the proposals for conversion of tank-bed lands and tanks for any other purpose, the District Collector has to keep in view that the Government have been very rarely relaxing the ban orders where the tank bed lands are required for a public purpose like construction of houses for weaker sections and provision of land for public weaker sections and provision of land for public institutions/organizations, when no tank exist on ground to silting, breached bund and no ayacut exists since a long time or when the catchments area as well as the ayacut itself were converted into a built up area by the land owners and tanks are not receiving water and have ceased to serve purpose or when tanks were abandoned or have been defunct due to non-receipt of water or due to formation of Channel system.

2. In the reference 2nd read above, the CCLA requested the District Collectors to restrict allotment of environmentally sensitive lands, protect such resources by preparing and implementing development/ conservation plans availing MNREGS and other funds. However, whenever in "rare" cases, the District Collectors propose allotment or conversion of lands classified as water body but there is no trace of such body on ground or there is no irrigation or the lands are getting encroached for "public purpose", e.g. location of Government Offices/Schools/Hospitals etc. in relaxation of ban, they must provide sufficient justification in terms of Government Memo No.65961/Asn.1(1)/97-11, dt:8-2-99, prepare conservation plan for remaining lands and get the proposed lands inspected by the Joint Collector and senior Irrigation Department Officers whose remarks shall have to be referred to in the proposals.

3. In the reference 3rd read above, the Chief Commissioner of Land Administration & Special Chief Secretary to Government, Andhra Pradesh, Mangalagiri has informed that the District Collector, Vizianagaram has submitted the proposals for construction of new District Court Complex building in place of the existing old Court building in which the said land is a tank classified as

(Contd...2)

"Yadula Cheruvu" in Sy.No.101 measuring total extent of Ac.8.17cents at VT Agraharam Village of Vizianagaram Mandal & District and the present District Court complex was constructed in an extent of Ac.6.58 cents, out of Ac.8.17 cents in the year 1985; the Cheruvu is a dried up area and fallen into disuse and there is no ayacut for the cheruvu. However keeping in view of the Apex Court order in Civil Appeal No.7461/2009 dated 14.03.2019, the Chief Commissioner of Land Administration & Special Chief Secretary to Government, Andhra Pradesh has requested to obtain legal opinion in the matter.

4. In the reference 6th read above, the Chief Commissioner of Land Administration & Special Chief Secretary to Government, A.P., Mangalagiri has informed that the District Collector, Vizianagaram has stated that a committee consisting of Joint Collector as Chairman and 7 other members has been constituted to examine all the aspects stipulated in the above Government Memo No.65961 (Asn.1), 97-11. dt 08:02.1999 which are required for reclassification of the above said land and submitted the Committee report and observed the following aspects:

i. As per the report of the Commissioner, Vizianagaram Municipal Corporation, Vizianagaram, the District Court complex was constructed in the year of 1980 and it is earmarked as built-up area as Government properties shown in the Master plan-2041.

ii. As per the AD, Survey & Land Records, Vizianagaram, the Court Complex is existing in an extent measuring Ac.6.61 Cts and the remaining extent of Ac. 1.56 Cts is being used as a route to RTC depot and covered with greenery.

iii. As per the report of the DD, Ground Water, Vizianagaram, the surrounding places of the subject land are yielding sufficiently and the water levels are found between 3 to 6 Mts.

iv. As per the report of the RDO, Vizianagaram, there is no tank existing on ground, no ayacut existing since long time and moreover the catchment areas as well as the ayacut itself is converted into built up area.

v. As per the report of the SE, RWS, Vizianagaram, the Tank was abandoned long ago and not collecting any water and it was not used for drinking water purpose at any time.

vi. As per the report of the SE, Water Resources department. Vishakapatnam Circle, there is no trace of water body and there is no ayacut at present existing under this tank. Further, the area around the proposed site is urbanized.

vii.As per the report of the SE, R&B, Vizianagaram based on the Geo TechnicalInvestigation report of the Engineering department, Andhra University, Vishakapatnam, the same place of old building is suitable for construction of new District Court building with Pile foundations.

It was further reported that the District Collector, Vizianagaram has reported that the above Committee concluded that, the subject land cannot be restored as water body by any efforts due to the existing ground conditions and in view of dire need of the subject land measuring Ac.6.61 Cents in Sy No.101 of V.T.Agraharam village, Vizianagaram Mandal for construction of Court complex building and based on the recommendations of the Committee, there is a need for re-classification of the land and recommended to submit the proposals to the Government with a request to consider the case for relaxation of ban orders and re -classification of the subject land, as per the ground facts reported by the Committee, this may be a considerable/justifiable case one in terms of the instructions stipulated in CCLA vide Ref No B2/1543/2012, dt.18.03.2013 and the Government's Memo No.65961/Asn.lt1), 97-11, dt.08.02.1999.

(PTO)

It was also reported that the District Collector, Vizianagaram has requested to consider this case for relaxation of ban orders and also to accord permission for re-classification of the subject land measuring an extent of Ac.6.61 Cents in Sy. No.101 classified as "Yadula Cheruvu at V.T.Agraharam Village, Vizianagaram mandal for re-construction of Court Complex building.

It was also reported that despite the provisions under para 4(ii) of BSO-15 as well as the Circular Instructions issued by the Government / CCLA from time to time and also-in the light of the land mark judgments of the Hon'ble Supreme Court and Hon'ble High Courts on water bodies, the report of the District Collector, Vizianagaram dt. 30.01.2024 is self explanatory in the light of the legal opinion of the learned Advocate General, High Court of Andhra Pradesh.

The Chief Commissioner of Land Administration& Special Chief Secretary to Government, Andhra Pradesh, Mangalagiri, Guntur District has recommended the proposal made by the District Collector, Vizianagaram District and requested the Government for issuing necessary orders for relaxation of ban orders and also to accord permission for re-classification of the subject land measuring an extent of Ac 6.61 Cents in Sy No. 101 of V.T.Agraharam village of Vizianagaram mandal which is originally classified as "Yadula Cheruvu for re-construction of Court Complex building is in consonance with the legal advice of the Learned Advocate General, High Court of Andhra Pradesh.

5. Government after careful examination of the matter and considering the proposals of the Chief Commissioner of Land Administration & Special Chief Secretary to Government, Andhra Pradesh, Mangalagiri & the District Collector, Vizianagaram; hereby accord permission for re-classification of the tank bed land classified as "Yadula Cheruvu into AWD for an extent of Ac. 6.61 Cents in Sy.No.101 at VT Agraharam Village, Vizianagaram Mandal & District proposed for re-construction of Court Complex building in relaxation of ban orders issued in the reference 1st & 2nd read above.

6. The Chief Commissioner of Land Administration & Special Chief Secretary to Government, A.P., Mangalagiri, Guntur District and the District Collector, Vizianagaram District shall take further necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY JAIN
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
The Chief Commissioner of Land Administration & Special Chief Secretary to Government, A.P. APIIC Building, Mangalagiri ,Guntur District.
The District Collector, Vizianagaram District.
Copy to:
The P.S. to Secretary to Hon'ble Chief Minister
The O.S.D. to Hon'ble Minister for Revenue Registration and Stamps
The P.S. to Chief Secretary, A.P.
The P.S. to Spl.CS , Revenue (Lands and Disaster Management)Department.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER